

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re NuWay Litigation

Consolidated Civ. Case No. 21-sc-171
(SRN/DLM)

[PROPOSED] ORDER

Based on the Joint Stipulation of Dismissal [Doc.64] and on all the files records and proceedings herein, the Court hereby **ORDERS** as follows:

1. Except as provided in paragraph 2, these actions are dismissed with prejudice as to all claims of Relators in these actions against the named defendants (individually and collectively, “NUWAY”); with prejudice as to the United States and the State of Minnesota against NUWAY as to the Covered Conduct in the parties’ Settlement Agreement; and otherwise without prejudice.

2. The dismissal in paragraph 1 excludes Relator Marston’s claims under 31 U.S.C. § 3730(h), Minn. Stat. § 15C.145, Minn. Stat. §§ 181.931-933, 935-936, Minn. Stat. § 317A.521, his claim under the Declaratory Judgment Act, 28 U.S.C. § 2201, his common law claims for breach of contract and declaratory judgment, his certain unfilled ERISA claims, and his claims for attorneys’ fees, expenses, and/or costs in connection with such claims.

SO ORDERED.

Dated:

SUSAN RICHARD NELSON
United States District Court Judge